

Case No. 25-1243
(1:24-cv-00646-RDA-WEF)

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

RICHARD GRENELL

Plaintiff - Appellant,

v.

OLIVIA TROYE

Defendant - Appellee.

UNOPPOSED MOTION TO REMAND TO DISTRICT COURT

Appellant, Richard Grenell, respectfully requests for this matter to be remanded to the United States District Court for the Eastern District of Virginia to obtain a final order. Appellee, Olivia Troye, consents to this motion.

BACKGROUND

Ambassador Grenell initially filed a defamation lawsuit against the Defendant in the Circuit Court for the City of Alexandria on August 8, 2022. The complaint alleged defamation and defamation per se based on a tweet by the Defendant-Appellee Olivia Troye. Defendant-Appellee filed a demurrer to dismiss the claims. The Alexandria Circuit Court overruled the demurrer on October 26, 2022, finding that Plaintiff had alleged sufficient facts to meet his burden at the pleading stage.

Ambassador Grenell nonsuited the case on October 10, 2023, and refiled his substantially identical complaint in the Alexandria Circuit Court on April 12, 2024. Before the complaint was served, the Defendant removed the case to the United States District Court for the Eastern District of Virginia on April 19, 2024.

Defendant filed a motion to dismiss, and on February 27, 2025, the district court granted that motion. The district court dismissed the Complaint without prejudice, giving Ambassador Grenell 14 days to file an amended complaint if he chose to do so.

On March 13, 2025—exactly 14 days after the order of dismissal—rather than file an amended complaint, Ambassador Grenell chose to stand on his existing complaint and filed a notice of appeal to this Court.

ARGUMENT

Ambassador Grenell prematurely filed the notice of appeal by a single day, which deprives this Court of jurisdiction, and requires remand back to the trial court to obtain a final, appealable order. Because the order of dismissal allowed for amendment within 14 days, and the notice of appeal was filed on the fourteenth day, it was not yet a final, appealable order. *See Lins v. United States*, 771 F. App'x 528, 531 (4th Cir. 2019); *Skelton v. McMaster*, 761 F. App'x 239, 240 (4th Cir. 2019).

This Court has addressed these unique circumstances in two recent cases: *Lins v. United States* and *Skelton v. McMaster*. In both *Lins* and *Skelton*, the court found that despite the plaintiffs' intent to stand on their existing complaints, the dismissal orders were not final because they allowed for leave to amend, and the Fourth Circuit lacked jurisdiction. *Lins*, 771 F. App'x at 531; *Skelton*, 761 F. App'x at 240. In both cases, the proper remedy imposed by the Fourth Circuit was to

remand the cases back to the trial court such that the plaintiffs could get a final, appealable order. *Id.*

The same applies here. Because the notice of appeal divested the district court of jurisdiction and stayed proceedings in that court, there is technically one day remaining for Ambassador Grenell to amend his Complaint. *See City of Martinsville, Virginia v. Express Scripts, Inc.*, 128 F.4th 265 (2025). Therefore, the dismissal order was not yet final, and the appropriate remedy is to remand this case back to the Eastern District of Virginia, such that Ambassador Grenell can waive his right to amend the complaint and obtain a final, appealable order of dismissal.

CONCLUSION

WHEREFORE, Ambassador Richard Grenell respectfully moves this Court to remand to the district court for further proceedings to finalize its February 27, 2025, order to render it final and appealable.

Dated: July 17, 2025.

Respectfully submitted,

/s/ Jason C. Greaves

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 547 words, calculated using Microsoft Word's word-count function. This motion also complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Microsoft Word in Century 14-point font, a proportionally spaced typeface.

Dated: July 17, 2025.

/s/ Jason C. Greaves
Jason C. Greaves

Counsel for Appellant

CERTIFICATE OF SERVICE

I certify that on July 17, 2025, a copy of the foregoing was filed with the Clerk of the Court using the Court's CM/ECF system, which will send a copy to all counsel of record.

/s/ Jason C. Greaves

Jason C. Greaves

Counsel for Appellant